tion. The words 'contingent compensation' in connection with a contract may be used either in an obnoxious or a harmless sense. The tenor of the contract may be such in connection with its setting as to stamp it with invalidity. If it bears any badge of fraud, either covertly or openly, it must be stricken down. The question of the legality of the contract in each case is to be determined by weighing all the elements involved and then deciding whether its inherent tendency is to invite or promote the use of sinister or corrupt means to accomplish the end or to bring influences to bear upon public officials of any other nature than the single one of genuine advantage to the government. If such is its tendency, it must be pronounced illegal. If that point is open to fair doubt upon all the evidence, its purpose must be left to the jury under appropriate instructions. This seems to us to be the effect of the federal cases to which reference has been made. It is supported by numerous other adjudications. Lyon *v.* Mitchell, 36 N. Y., 235, 93 Am. Dec., 502; Dunham *v.* Hastings Pavement Co., 118 App. Div., 127, 103 N. Y. Supp., 480, affirmed in 189 N. Y., 500, 81 N. E., 1163; Bush *v.* Russell, 180 Ala., 590, 61 South, 373; Kansas City Paper Co. *v.* Foley Railway Printing Co., 85 Kan., 678, 118 Pac., 1056, 39 L. R. A. (N. S.), 747, Ann. Cas., 1913A, 294; Winpenny *v.* French, 18 Ohio St., 469; Bergen *v.* Frisbie, 125 Calif., 168, 57 Pac., 784; Opinion of the Justices, 72 N. H., 601, 54 Atl., 950; Saville Bros. Ltd. *v.* Langman, 79 L. T. R. N. S. (Court of Appeal), 44; Stanton *v.* Embrey, 93 U. S., 548, 23 L. Ed., 983; Houlton *v.* Nichol, 93 Wis., 393, 67 N. W., 715, 33 L. R. A., 166, 57 Am. St. Rep., 928; Denison *v.* Crawford County, 48 Iowa., 211; Workman *v.* Campbell, 46 Mo., 305; Stroemer *v.* Van Orsdel, 74 Neb., 132, 103 N. W., 1053; 107 N. W., 125, 4 L. R. A. (N. S.), 212, 121 Am. St. Rep., 713; Beal *v.* Palhemus, 67 Mich., 130, 32 N. W., 534. See Davis *v.* Commonwealth, 164 Mass., 241, 41 N. E., 292, 30 L. R. A., 743."

Indictments and Informations—Omission of Word "The" in Conclusion of Information.—In State *v.* Adkins, 225 S. W. 981, the Supreme Court of Missouri overruled a long series of cases and held that under the Constitutition of that state (art. 6, sec. 38) which declares that all indictments and informations shall conclude "against the peace and dignity of the state," the omission of the word "the" before "state" does not render an information invalid, so as to warrant reversal.

The court said in part: "The Missouri Constitution of 1845 contained a similar provision. In State *v.* Lopez, 19 Mo. 255, loc. cit. 256, an indictment concluding in the same words as were used in the information in the case at bar was held to be fatally defective for that reason. There was no discussion of the question. This ruling was followed again without discussion in State *v.* Pemberton, 30 Mo. 376, loc. cit.

378, an opinion rendered in 1860. "This doctrine was again announced, again without discussion, in State *v.* Stacy, 103 Mo. 11, loc. cit. 15, 15 S. W. 147, a case decided in 1890; but what was there said on this point was obiter.

"In 1907 the same point was before this court in State *v.* Campbell, 210 Mo. 202, loc. cit. 216, 109 S. W. 706, 14 Ann. Cas. 403, when the question was discussed at length. The cases above mentioned were cited, many decisions from foreign jurisdictions were reviewed, and the error was held fatal. The Campbell Case was followed in State *v.* Skillman, 209 Mo. 408, loc. cit. 412, 107 S. W. 1071, and in State *v.* Warner, 220 Mo. 23, loc. cit. 25, 119 S. W. 399. The case of State *v.* Campbell, because of the peculiar atrocity of the crime there involved (rape), and because perhaps of the elaborate discussion by which the court's conclusion was fortified, attracted wide attention at the time, and has become known as 'The' Case. The doctrine there announced was, as we have shown, neither new in this state nor peculiar to this state. A correct understanding of the Campbell Case can be had only a study of the opinion itself, but the very pith and marrow of the reasoning there employed is thus stated by Fox, P. J., who wrote the opinion:

"'Our conclusion upon this proposition is that the indictment in this cause fails to substantially comply in its conclusion with the terms prescribed by the constitution, and therefore should be held invalid." State *v.* Campbell, supra, 210 Mo. loc. cit. 228, 109 S. W. 703.

"That literal compliance with the words of the Constitution, even in criminal cases, is not required, is no new doctrine. Thus in State *v.* Hays, 78 Mo. 600, the indictment concluded 'against the peace and dignity of the state of Missouri,' and an objection based on the addition of the italicized words was curtly dismissed in these words:

"'This objection is without merit. The added words are but what the constitutional language implies, and the addition in no wise enlarged, varied, or changed the phrase or the sense.' State *v.* Hays, supra, 78 Mo. loc. cit. 603.

"So in State *v.* Duvenick, 237 Mo. 185, loc. cit. 190, 140 S. W. 897, where the indictment concluded "agains the peace and dignity of the state," it was held that an objection on that score was "unworthy of serious consideration or discussion," although the attention of the court was solemnly called to the constitutional provision here involved, to the Campbell Case and its predecessors, and to the undisputed fact that out language contains no such word as "agains."

"We have repeatedly heretofore held certain provisions of our Constitution to be merely directory, and not mandatory. For example, section 24 of article 4 of the Constitution provides that—

"'The style of the laws of this state shall be: "Be it enacted by the General Assembly of the state of Missouri as follows.'

"Yet in the case of Cape Girardeau *v.* Riley, 52 Mo. 424, loc. cit. 426, 14 Am. Rep. 427, this clause was held to be merely directory, and not mandatory, citing the rule declared by Lord Mansfield in Rex *v.* Loxdale, 1 Burr. 447.

"Again, in the case of Pacific Railroad *v.* The Governor, 23 Mo. 353, 66 Am. Dec. 673, this court held that, although the forms prescribed by the Constitution in passing a bill over the Governor's veto had not been observed, still the law was not therefor void. A part of the very section here under consideration, namely, section 38 of article 6, which provides that 'all writs and process shall run and all prosecutions shall be conducted in the name of the "State of Missouri,"' was held in judgment by this court in a criminal case (State *v.* Foster, 61 Mo. 549, loc. cit. 550), and the quoted clause was held to be directory only, and failure to observe it was held to be a mere irregularity.

"So in Riesterer *v.* Land & Lumber Co., 160 Mo. 141, 61 S. W. 238, section 8 of article 12 of the Constitution was before this court, and that section, relating to certain acts of corporations, was held to be directory only. * * * The flaw in the Campbell Case is that, after announcing the rule of substantial compliance, the opinion applies the rule of literal compliance. It is a fundamental rule of construction of all writings, whether they be laws, wills, deeds, contracts, or constitutions, that they must be construed as a whole, and not in detached fragments, that they must be constructed to effectuate and not to destroy, their plain intent and purpose, and that in determining what is that intent and purpose all provisions relating either generally or specially to a particular topic are to be scrutinized and so interpreted, if possible, as to effectuate the intention of the makers. This rule does not need (though it does not lack) authority to give it vitality. It is inherent in the very nature of things, and springs from reason as Minerva sprang from the brain of Jove, full-grown and ready for battle."